



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.835 of 2023
and C.M.P.No.20199 of 2023

V.Ramani Petitioner

-Vs-

V.Senthilkumar Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.52 of 2023 pending before the Learned Sub Judge at Mettupalayam, Coimbatore District and transfer the same to the Hon'ble III Additional Principle Judge, Family Court at Chennai tried along with HMOP.No.4869 of 2022.

For Petitioner : Mr.R.Abdul Mubeen

For Respondent : Mr.S.Lingesh

ORDER

This petition has been filed by the petitioner seeking to withdraw the H.M.O.P.No.52 of 2023 pending on the file of the Learned Sub Judge at



Mettupalayam, Coimbatore District and transfer the same to the Hon'ble III Additional Principle Judge, Family Court at Chennai tried along with HMOP.No.4869 of 2022.

2. The learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent solemnized on 26.03.2018 and thereafter, they begotten female child. Further, the petitioner filed a petition for divorce in HMOP.No.4869 of 2022 before the learned III Additional Principle Judge, Family Court, Chennai, on the ground of cruelty and also filed an application for interim maintenance. Thereafter, the respondent filed a petition in HMOP.No.52 of 2023 before the Sub Court, Mettupalayam seeking for restitution of conjugal rights. He further submitted that the respondent has unnecessarily filed the petition before the Sub Court, Mettupalayam, He further submitted that the petitioner is living with her parent's home along with child at Chennai and she unable to attend the court hearing at Mettupalayam. Hence, he prays to allow this petition.

3.The learned counsel for the respondent has raised formal objections in allowing the petition.



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4. Considering the facts and circumstances of the case and the reason stated by the petitioner and the same is justifiable. Accordingly, the present Tr.C.M.P. is allowed and the HMOP.NO.52 of 2023 pending on the file of the Sub Court, Mettupalayam, is withdrawn and transferred to the file of the learned III Additional Principle Judge at Family Court, Chennai to try along with HMOP.No.4869 of 2022. Consequently, connected miscellaneous petition is closed. No costs.

5. The learned III Additional Principle Judge, Family Court, Chennai, is directed to issue notice to the respondent/husband, within a period of two weeks from the date of receipt of a copy of this order and proceed with cases as per manner known to law.

19.10.2023

Speaking / Non Speaking order

Neutral Citation : Yes/No

Index :Yes/No

msrm

To

1.The learned III Additional Principle Judge at Family Court, Chennai.

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2.The Sub Court, Mettupalayam.

T.V.THAMILSELVI, J.

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